

**CHARGE:** Between 1-5-57 and 7-5-57, a quantity of *chloral hydrate*, capsules containing *pentobarbital sodium*, and capsules containing a mixture of *Seconal Sodium* and *Amytal Sodium* were each dispensed once without a prescription.

**PLEA:** Guilty.

**DISPOSITION:** 2-7-58. \$1,000 fine, suspended sentence of 1 year in jail, and probation for 4 years.

5518. (F.D.C. No. 40609. S. Nos. 81-861/3 M.)

**INFORMATION FILED:** 6-24-57, N. Dist. Tex., against Herbert Iven Sims, Dallas, Tex.

**CHARGE:** Between 12-6-56 and 3-5-57, the defendant caused *Daprisal tablets* to be dispensed to himself without a prescription once at each of 3 different drugstores in Dallas, Tex., by displaying a false, forged, and counterfeit writing purporting to be a prescription for the tablets.

**PLEA:** Guilty.

**DISPOSITION:** 6-24-57. Defendant sentenced to 13 months in jail.

5519. (F.D.C. No. 40443. S. Nos. 62-468 M, 62-472 M.)

**INFORMATION FILED:** 12-12-57, E. Dist. N.Y., against Sydney S. Luchen, t/a Luchen's Pharmacy, Brooklyn, N.Y.

**CHARGE:** On 3-1-57, *Meticorten tablets* were dispensed once without a prescription and *Gantrisin tablets* were dispensed once upon request for a prescription refill without authorization by the prescriber.

**PLEA:** Guilty.

**DISPOSITION:** 1-9-58. \$750 fine.

5520. (F.D.C. No. 38576. S. Nos. 5-041/2 M, 5-044 M, 5-058/9 M, 5-399 M, 17-894 M.)

**INDICTMENT RETURNED:** 5-29-56, N. Dist. Ill., against Cosmopolitan Drug Co. (a partnership), Chicago, Ill., and Abraham Weinstein and Melvin Weinstein (partners) and Harold M. Weinstein (an employee of the partnership).

**CHARGE:** Between 1-7-55 and 3-30-55, *Savatan capsules* (counts 1 and 2) were dispensed twice and *Gantrisin tablets* (counts 3 to 7, incl.) were dispensed 5 times, without a prescription.

**DISPOSITION:** A motion for dismissal of the indictment was filed on behalf of the defendants, based on the ground that the indictment was duplicitous in that it charged both the individual members of a partnership and the partnership itself as an entity. Thereafter, following consideration of the briefs and arguments of counsel, the court, on 6-7-57, dismissed the indictment against the partnership.

On 11-25-57, pleas of guilty were entered by Melvin Weinstein to counts 1, 6, and 7 of the indictment, by Abraham Weinstein to counts 2, 3, and 4, and by Harold M. Weinstein to count 5. On the same day, the court fined Melvin and Abraham Weinstein \$750 each and Harold M. Weinstein \$250.

# U.S. Department of Health, Education, and Welfare

## FOOD AND DRUG ADMINISTRATION

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### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

5521-5560

### DRUGS AND DEVICES

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The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve drugs which are required at time of interstate shipment to bear a label containing the statement "Caution: Federal law prohibits dispensing without prescription," and which were dispensed after such shipment without a prescription or by refilling a prescription without authorization. This dispensing was contrary to Section 503(b)(1) and thereby resulted in the dispensed drugs being misbranded while held for sale.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C.

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## VIOLATIVE SALES OF PRESCRIPTION DRUGS

5521. (F.D.C. No. 40444. S. Nos. 45-201/3 M.)

INFORMATION FILED: 1-8-58, W. Dist. Va., against Mick Lukach (an employee at the White Plains Truck Station), Barren Springs, Va.

CHARGE: Between 12-13-56 and 5-8-57, *amphetamine sulfate tablets* were dispensed 3 times without a prescription.

PLEA: Guilty.

DISPOSITION: 5-5-58. Defendant placed on probation for 3 years.

5522. (F.D.C. No. 40479. S. Nos. 55-366/8 M.)

INFORMATION FILED: 1-30-58, E. Dist. Ky., against Millard C. Owens, t/a M. C. Owens Druggist, Covington, Ky.

CHARGE: Between 7-2-57 and 7-9-57, *amphetamine sulfate tablets* were dispensed 3 times without a prescription.

PLEA: Guilty.

DISPOSITION: 4-21-58. \$1,500 fine and sentence of 90 days in jail.

5523. (F.D.C. No. 40612. S. Nos. 65-537/8 M.)

INFORMATION FILED: 5-2-58, S. Dist. Ohio, against Ferdinand J. Weisbrodt, t/a Weisbrodt Hy-Pure Pharmacy, Glendale, Ohio.

CHARGE: On 10-28-57, *amphetamine sulfate tablets* and *pentobarbital sodium capsules* were each dispensed once without a prescription.

PLEA: Not guilty.

DISPOSITION: The case came on for trial before the court without a jury on 5-23-58 and was concluded on 5-26-58, with a return of a verdict of guilty and the imposition of a fine of \$1,000.

5524. (F.D.C. No. 40430. S. Nos. 67-495/8 M.)

INFORMATION FILED: 8-30-57, E. Dist. Va., against Reuben Miller, t/a Rust Manor Pharmacy, Falls Church, Va., and Leo Strauss (pharmacist).

CHARGE: Between 3-26-57 and 4-13-57, *Dexedrine Sulfate tablets* were dispensed 3 times upon request for prescription refills without authorization by the prescriber and once without a prescription.

PLEA: Guilty by Miller to all 4 counts of information and by Strauss to 2 counts.

DISPOSITION: 6-18-58, Miller fined \$3,000 and placed on probation for 2 years; 6-20-58, Strauss fined \$1,000 and placed on probation for 2 years.

5525. (F.D.C. No. 40618. S. Nos. 8-486 P, 8-492 P.)

INFORMATION FILED: 8-25-58, N. Dist. N.Y., against Albert L. Spediacci, t/a Spediacci's Mohawk Pharmacy, Amsterdam, N.Y.

CHARGE: Between 1-17-58 and 2-3-58, *Dexedrine Sulfate tablets* were dispensed once without a prescription, and *Ansolyzen Tartrate tablets* were dispensed once upon request for a prescription refill without authorization by the prescriber.

PLEA: Guilty.

DISPOSITION: 9-8-58. \$1,000 fine.